UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

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Ex parte KAZUHITO KOJIMA, MITSURU YOSHIKURA, and
HIROMOTO UESUGI

_____

Appeal 2009-005203[1]
Application 10/606,184
Technology Center 2400

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Before JEAN R. HOMERE, JAY P. LUCAS, and JAMES R. HUGHES,
Administrative Patent Judges.

HOMERE, *Administrative Patent Judge.*

DECISION ON APPEAL[2]

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[1] Filed June 26, 2003. The real party in interest is NS Solutions Corp. (App.
Br. 2.)
[2] The two-month time period for filing an appeal or commencing a civil
action, as recited in 37 C.F.R. § 1.304, or for filing a request for rehearing,
as recited in 37 C.F.R. § 41.52, begins to run from the "MAIL DATE"
(paper delivery mode) or the "NOTIFICATION DATE" (electronic delivery
mode) shown on the PTOL-90A cover letter attached to this decision.

I. STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134(a) (2002) from the Examiner's final rejection of claims 1 and 7-11. Claims 2-6 have been canceled. (App. Br. 2.) We have jurisdiction under 35 U.S.C. § 6(b) (2008).

We reverse.

Appellants' Invention

Appellants invented a method of retrieving real data in a distributed database by using metadata associated therewith. In particular, the disclosed method allows a user (10) to copy from a database server (30) to a metadata database server (40) metadata that summarize the contents and locations of distributed databases (20) having real data such that the user can immediately obtain information about the databases (20) without being directly connected thereto. (Fig. 2, spec. 24.)

Illustrative Claim

Independent claim 1 further illustrates the invention. It reads as follows:

1.   A method of data retrieval by a user from a distributed database, comprising:

saving metadata pertaining to real data stored in databases distributed on a network in first servers distributed on the network associated with each of said databases;

collecting metadata saved in said first servers and storing said metadata in a metadata database of a second server without storing the real data represented by said metadata;

extracting metadata that matches a user retrieval request
from a user terminal by searching metadata stored in said
metadata database, and transmitting a retrieval result including
information of a location of the first server saving the metadata
that matches said user retrieval request, to said user terminal;

inputting a real data retrieval condition for the database
on the basis of the retrieval result of the metadata database
transmitted to said user terminal;

issuing a real data retrieval condition from said user
terminal to the first server on the basis of said information of a
location of the first server;

wherein said real data retrieval condition is issued to said
first server by bypassing said second server; and

retrieving, by the first server, the real data from the
corresponding database after converting said real data retrieval
condition into a format which is concordant with the database.

Prior Art Relied Upon

The Examiner relies on the following prior art as evidence of
unpatentability:

Brown	5,913,208	Jun. 15, 1999
Syeda-Mahmood	5,920,856	Jul. 6, 1999
Belfiore	6,038,610	Mar. 14, 2000

Rejection on Appeal

The Examiner rejects claims 1 and 7-11 under 35 U.S.C. § 103(a) as
being unpatentable over the combination of Syeda-Mahmood, Belfiore, and
Brown.

Appellants' Contentions

Appellants contend that the proffered combination does not teach or suggest the steps of (1) "saving metadata pertaining to real data stored in databases distributed on a network in first servers distributed on the network associated with each of said databases," (2) "collecting metadata saved in said first servers and storing said metadata in a metadata database of a second server without storing the real data represented by said metadata", and (3) "wherein said real data retrieval condition is issued to said first server by bypassing said second server" as recited in independent claim 1. (App Br. 10-15, Reply Br. 5-9.)

Examiner's Findings and Conclusions

The Examiner finds that Syeda-Mahmood's disclosure of a meta server that maintains real data and metadata information for different databases teaches saving metadata associated with real data for the distributed databases, as recited in independent claim 1. (Ans. 8.) Further, the Examiner finds that Belfiore's disclosure of storing sitemap files at servers that hold real data teaches storing at a second server metadata associated with real data. (Ans. 9.) Last, the Examiner finds that Brown's disclosure of accessing a database index located on a search server or on another computer on the same network teaches the limitation of a first server issuing a real data retrieval condition thereby bypassing a second server. (*Id.*)

II. ISSUE

Have Appellants shown that the Examiner erred in finding that the combination of Syeda-Mahmood, Belfiore, and Brown teaches any of the following limitations: (1) "saving metadata pertaining to real data stored in databases distributed on a network in first servers distributed on the network associated with each of said databases," (2) " collecting metadata saved in said first servers and storing said metadata in a metadata database of a second server without storing the real data represented by said metadata", and (3) "wherein said real data retrieval condition is issued to said first server by bypassing said second server", as recited in independent claim 1?

III. FINDINGS OF FACT

The following Findings of Fact (FF) are shown by a preponderance of the evidence.

Syeda-Mahmood

1.   Syeda-Mahmood discloses a centralized web server (2) that interfaces with one or more web clients (3) and a plurality of database sites (1). In particular, the web server (2) includes a search agent (5) that indexes in a meta database (item 4, also contained in the web server) information about the database sites (1) along with queries received from the clients. The queries are then distributed to the database sites (1) to thereby retrieve requested information, which is used to subsequently update the meta database. (Figs. 1-2, Abstract, col. 5, ll. 14-37.)

Belfiore

2.   Belfiore discloses a server (30) that uses sitemap files (34) for storing therein web page content information and search result information pertaining to web documents at the server site. (Fig. 2, col. 1, ll. 31-38, col. 2, ll. 66-67, col. 4, ll. 4-39.)

3.   Belfiore also discloses a web browser (17) residing on a client computer (10) uses web crawler programs to extract contents from designated sitemap files to thereby create a hierarchical index of available web pages at the web server site. (Col. 12, ll. 57-67.)

4.   In an alternative embodiment, Belfiore discloses that information previously extracted from a sitemap file can be downloaded to a client for persistent storage. (Col. 4, ll. 44-50.)

Brown

5.   Brown discloses a search server arranged on a network in such a way that the search server only needs to access a database index residing same computer as the search server or on any other computer on the network to retrieve requested data. (Col. 2, ll. 18-26.)

IV. ANALYSIS

Independent claim 1 requires, *inter alia*, collecting metadata saved in first servers and storing the collected metadata in a metadata database of a second server *without storing the real data represented by the collected metadata.* (Br. 17, Claims App'x.)

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As set forth in the Findings of Fact section, Syeda-Mahmood discloses a web server having a web agent for storing and indexing in a meta database metadata for a plurality of distributed databases along with query requests submitted by clients to thereby retrieve requested information from the databases, and to subsequently update the meta database. (FF. 1.) Belfiore complements the Syeda-Mahmood's system by disclosing using sitemaps in a web server site to store webpage content information and search results, which a web crawler can subsequently extract to create a hierarchical index of web pages available at the web server site, or which can be downloaded on the client device for local access. (FF. 2-4) Additionally, Brown discloses a web server configured on a network such that it only needs to access a data index on any computer on the network in order to retrieve requested data. (FF. 5.) We find that the combined disclosures of Syeda-Mahmood, Belfiore and Brown teach, at best, storing at a first web server metadata associated with a plurality of databases, and storing/indexing at a second web server hierarchically indexed files (obtained from meta data and search results (real data) associated with requested queries extracted from specified sitemap files), wherein said indexed files can be accessed from any computer on the network. However, while the proffered combination teaches or suggests storing the specified index files or metadata at a second server, we note that the second server also stores real data, which the disputed claim limitation explicitly precludes as emphasized above. Consequently, we find that the proffered combination does not teach or suggest, at least the disputed limitation set forth above.

Since Appellants have shown at least one error in the Examiner's rejection of claim 1, we need not address Appellants' other arguments. It therefore follows that Appellants have shown that the Examiner erred in concluding that the combination of Syeda-Mahmood, Belfiore, and Brown renders independent claim 1 unpatentable.

Since claims 7-11 recite the limitations of claim 1 discussed above, we find that Appellants have shown error in the Examiner's rejection of these claims for the same reasons set forth above.

V. SUMMARY

Appellants have established that the Examiner erred in rejecting claims 1 and 7-11 under 35 U.S.C. § 103(a) as being unpatentable over the combination of Syeda-Mahmood, Belfiore, and Brown. We therefore reverse this rejection.

REVERSED

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